

REMARKS

Claims 1-20 were pending in this application prior to this Amendment and are still pending. Claims 1, 8 and 14 have been amended herein. A Request for Continued Examination (RCE) accompanies this Amendment.

Please replace sheet 1/18 of the drawings with the Replacement Sheet accompanying this Amendment. Access points 21 mentioned at page 5, line 4 of the application as filed were inadvertently omitted from original Fig. 1 and are added in the Replacement Sheet.

The examiner rejected claims 1-20 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. The examiner contends that the phrases “each tag lacking any voice communication capability,” “that are separate and distinct from the tags” and “the plurality of communicators being separate and distinct from the plurality of tags” are not supported by the original disclosure. The examiner’s conclusions in this regard are mistaken. The examiner is urged to look at Fig. 1 of the present application. In Fig. 1, tags 22 communicate with transceivers 18 (transceivers inherently include receivers) and communicators 26 communicate with access points 21 of network 16. Fig. 1 is being amended herewith to include access points 21 since these appear to have been inadvertently omitted from the figures as filed, but were mentioned in the written description. Furthermore, in connection with Fig. 1, the examiner is invited to consider the discussion spanning from page 4, line 28 to page 8, line 5 of the application as filed. It is clear from this discussion, and from Fig. 1, that the communicators 26 are separate and distinct from tags 22. These devices are drawn as separate and distinct elements in Fig. 1. As to the claim recitation “each tag lacking any voice communication capability,” it should be noted that tags 22 are said to be part of a locating and tracking system and it is well known in the art that locating and tracking tags emit, for example, RF or IR signals for purposes of locating objects or persons to which the tags are attached but that these tags do not otherwise include voice communication capability. Furthermore, it should be noted that the following documents are incorporated by reference into the present application, along with many other documents, and disclose tags that are used in locating and tracking systems and that do not have voice communication capability: U.S. Pat. No. 5,561,412 (see Figs. 4 and 5); U.S. Pat. App. Pub. No. 2002/0183979 (see Fig. 2); U.S. Pat. No. 5,633,742 (see Figs. 5-8); and U.S. Pat. No. 5,455,851 (see Figs. 2, 8A and 8B), just to list a few. Thus, it is

submitted that one skilled in the art reading the present application would understand that, at the time of filing, the applicant was in possession of a system having locating and tracking tags without voice communication capabilities. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

The examiner rejected claims 1-2, 4, 6-11, 14-15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Rosner, U.S. Patent Application Publication Number 2003/0022696 in view of Barnes, U.S. Patent Application Publication Number 2003/0220835. Claim 1, as amended herein, recites a combination of elements and limitations including, among other things, the recitation “wherein the locating and tracking system and the communication system are linked so that a specific location of an asset having one of the plurality of tags attached thereto is determinable by using a voice command spoken into one of the voice-activated communicators.” Neither Rosner nor Barnes have this feature, let alone having it in combination with the remaining features recited in claim 1 of the present application. The examiner admits that Rosner does not have various features recited in claim 1 including the portion reproduced above in this paragraph.

Barnes relates to a method of marketing products to consumers carrying PDA's or cell phones and to other e-commerce scenarios. When consumers having a PDA or cell phone are determined to be in proximity to a particular location, certain advertisements are transmitted to the PDA or cell phone according to Barnes. Furthermore, the same access points that are used to determine the consumer's location are the same access points through which advertisements are transmitted (see elements 230 in Fig. 2 of Barnes and elements 230a-e in Fig. 3 of Barnes). Barnes discloses an alternative system (such as that being discussed in paragraph [0263] of Barnes on which the examiner relies as teaching some of the features of claim 1) in which consumers carry RFID tags instead of PDA's or cells phones. However, as is made clear in paragraph [0263], in Barnes' system “. . . the RFID tag transmits identification information through access points 230e to the VCS” [vendor computer system] “or other requesting system, which then retrieves Vendor Stored User Information (VSUI) if any, selects an advertisement using one or more of the methods described herein, presents the advertisement to the carrier of the RFID tag via fixed presentation device 240a” Thus, nowhere does Barnes teach that a user will employ voice commands to find a location of an asset having a tag attached to it. A portion of Barnes deals with using a PDA or cell phone to find points of interest, but the points

of interest in Barnes are things like restaurants, gas stations, and particular vendors (e.g., automobile part vendor) that do not have locating and tracking tags attached to them. The examiner also references paragraphs [0315] through [0319] in making the rejection of claim 1. However, this section of Barnes deals with monitoring and restricting the use of device 101 and nowhere does this section of Barnes mention that the person carrying device 101 will use voice commands to locate an asset having a locating and tracking tag attached to it. Thus, claim 1 of the present application patentability distinguishes over Rosner and Barnes taken alone or in combination.

Claim 8 is an independent claim that, as amended herein, recites a combination of elements and limitations including, among other things, the recitation “wherein the tags are located and tracked in response to a voice command received by one of the plurality of voice-activated substantially wireless communicators.” This language is similar to the language discussed above regarding claim 1. Accordingly, independent claim 8 patentably distinguishes over Rosner and Barnes for at least the same reasons discussed above in connection with claim 1.

Claim 14 is an independent claim that, as amended herein, recites a combination of elements and limitations including, among other things, the recitations “receiving at a transceiver a voice command from one of the plurality of persons spoken into one of the plurality of communicators, the voice command relating to at least one of the persons and assets; linking the voice command to the corresponding tag identifier information; and identifying a location of the at least one person or asset in response to the voice command.” As discussed above, neither Rosner nor Barnes disclose a system in which voice commands are used to find a location of an asset (or person) having a location and tracking tag. Accordingly, independent claim 14 patentably distinguishes over Rosner and Barnes.

Based on the foregoing, none of independent claims 1, 8 and 14 are rendered unpatentable by the combination of Rosner and Barnes. Accordingly, claim 1 along with its associated dependent claims 2-7, claim 8 along with its associated dependent claims 9-13, and claim 14 along with its associated dependent claims 15-20 are in condition for allowance and such action is respectfully requested.

Because each of independent claims 1, 8 and 14 are in condition for allowance as discussed above, the examiner’s obviousness rejection of claims 5 and 16-17 based on Rosner and Barnes in view of Werb et al. (U.S. Patent Number 6,456,239), the examiner’s obviousness

rejection of claims 12-13 and 18-19 based on Rosner and Barnes in view of Shostak (U.S. Patent Number 6,901,255), and the examiner's obviousness rejection of claim 3 based on Rosner and Barnes in view of Squibbs (U.S. Patent Application Publication Number 2002/0077772 are rendered moot.

It is believed that the application is in condition for allowance and such action is respectfully requested. If there are any questions or comments that would speed prosecution of this patent application, the Examiner is invited to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to attorney docket no. 7175-202433.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Ronald S. Henderson". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald S. Henderson
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